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## Buffalo's Demolition Strategy

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## Buffalo's Demolition Strategy

### Abstract

Buffalo, New York is one of many U.S. cities that experienced an extreme decline in population since the mid-twentieth century. Migration out of the city has been crippling, the population declining by nearly 50 percent from 1950 to 2000. Many people left the city for the surrounding suburbs, an area that experienced a 50 percent increase in population over this same period. Now, Buffalo faces the challenge of an outdated infrastructure that is much too large for its 21st Century needs. Mass exodus has left the city ravaged with vacant and abandoned properties that deter investment, foster crime, and significantly lower property values, continuing the cyclical decay on the city. Ending this crisis is a necessary part of reviving The Queen City.

### Keywords

Buffalo, Housing/Neighborhoods, Housing Conditions and Repairs, Neighborhood Renewal, Report, Other, PDF



# Buffalo's Demolition Strategy

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Housing Court, Fall 2009

## Introduction

Buffalo, New York is one of many U.S. cities that experienced an extreme decline in population since the mid-twentieth century. Migration out of the city has been crippling, the population declining by nearly 50 percent from 1950 to 2000.<sup>i</sup> Many people left the city for the surrounding suburbs, an area that experienced a 50 percent *increase* in population over this same period.<sup>ii</sup> Now, Buffalo faces the challenge of an outdated infrastructure that is much too large for its 21<sup>st</sup> Century needs. Mass exodus has left the city ravaged with vacant and abandoned properties that deter investment, foster crime, and significantly lower property values, continuing the cyclical decay on the city. Ending this crisis is a necessary part of reviving The Queen City.

Buffalo's Mayor Byron Brown deems vacancy, "one of the most important issues facing our community" and, because of the "tremendous urgency to address the problem", developed his "5 in 5" Demolition Plan in August 2007.<sup>iii</sup> The goal of "5 in 5" is to demolish 5,000 houses in the city in five years in an effort to bring the vacancy rate closer to five percent.<sup>iv</sup> With well over what the city estimates to be 10,000 vacant structures (other sources estimate as high as 23,000) and a vacancy rate over 15 percent, this will be a formidable challenge.<sup>v</sup> The Plan stresses the need for community-city collaboration, "thoughtful planning", "strategic development", and "economic renewal".<sup>vi</sup> Two years after its release, the city's execution of these priorities appears scattered. Although the number of demos has increased, their impact on the community is reduced due to a lack of coordinated targeting for renewal, which wastes the limited resources available. Many promising, focused, projects have been abandoned before complete because of a lack of local political commitment. This can be attributed, in part, to strained economic resources,

which also translates into a lack of manpower. With focused efforts producing visible progress, we can make the most of investments and spur more community members to become empowered to help fight the cycle of blight, giving this city hope to succeed.

An effective approach, of course, gives priority to emergency demolition, but also identifies and targets specific “transitional” communities, most conducive to improvement and citywide revitalization. Fortunately, current building codes in Buffalo do give priority to emergency demos, providing a streamlined process for structures identified as an imminent threat to public safety.<sup>vii</sup> However, to execute demolitions of other properties in the city, we need detailed information on the city’s vacancy situation as a whole. With a complete assessment of the vacancy and blight situation, we can identify key communities to focus revitalization efforts and determine what those efforts should be. Then, instead of an ad hoc approach to demo, we can revitalize entire blocks, communities, and eventually the entire city; replacing the slew of vacant lots around the city with select development, green spaces, community gardens, and playgrounds, to name a few.

Success will require a coordinated effort from the government and local community groups. To achieve change, there must be collaboration; local officials must work with, not only state and federal government, but also close communication with the local community: block clubs, universities, churches, non profits, activists, philanthropists, and individuals. Alternatives to demolition such as rehabilitation and deconstruction and the feasibility of such a plan for any deteriorating unit, should be assessed. In addition, to prevent the flood of structures added to the demolition list, vacant homes should be secured by boarding all windows and openings. This prevents weather damage and lessens the chance of vandalism. Urban renewal projects in similarly situated cities such as,

Rochester, NY, Indianapolis, IN, Philadelphia, PA, and Baltimore, MD successfully use a variety of tactics. Lessons drawn from projects in these cities are a valuable resource in our revitalization planning and must guide Buffalo's actions. Overall, coordinated investment that is educated, strategic, and focused will make the most of the sparse resources available for this costly, devastating problem and produce the better results.

### **Buffalo, Vacancy, and "5 in 5": The Plan for Change**

In the 1900's, Buffalo was a manufacturing hub of the nation, fostered by its proximity to assets such as the Great Lakes, Erie Canal, and Niagara Falls. City based manufacturing dominated the nations economy and the city quickly grew to the eighth largest in the nation.<sup>viii</sup> Unfortunately, by the 1960's, Buffalo began a great decline, which continues to this day. Factory closings, which had formerly employed 42 percent of Buffalo's workforce, left many Buffaloians unemployed, collapsing the city's economy.<sup>ix</sup> In efforts to find jobs and greater opportunities, droves of city residents moved to the surrounding suburbs. This migration was so great that by 1990, the population of Buffalo was less than that in 1900!<sup>x</sup> This left the city with an extremely outdated infrastructure<sup>1</sup>, too large for its current or forecasted population.<sup>xi</sup> Furthermore, Buffalo is now the third poorest city in the U.S.; over 30 percent of people live below the poverty line.<sup>xii</sup> A crippling affect has been the abundance of vacant land and abandoned housing, draining property values and leading to further urban decay. Efforts to demolish vacant buildings have long been underway in Buffalo but slow moving; in the first seven years of this decade, the city demoed around 2,000 buildings.<sup>xiii</sup> The problem is much larger than this. In 2007, based

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<sup>1</sup> More than 50 percent of the city's housing stock was built before 1960, one of the oldest in the nation.

off census data, the city estimated there were around 10,000 vacant residential structures.<sup>xiv</sup> The number of vacant properties in the city is difficult to determine and others have cited that number as high as 23,000 uninhabitable structures, leaving a long list of slated demos.<sup>xv</sup>

Vacant and abandoned property poses greater threats than lowering property values and deterring investment in the surrounding community. These properties are a financial drain on the city and an extreme threat to public safety. The city pours finances into monitoring, inspecting, maintaining, and protecting abandoned properties; simply maintaining a vacant structure for five years costs the city on average, \$20,000.<sup>xvi</sup> A 2008 study in nearby Ohio cities found that abandoned properties cost \$15 million annually in city service costs such as code enforcement, demolition and boarding of buildings, property maintenance, and police and fire runs.<sup>xvii</sup> Additionally, the city loses millions in tax revenue, as the land remains empty. The true cost to the city and the community is indeterminable because of this myriad of associated costs. One study showed homes in close proximity to vacant structures lost up to \$7,627 in value!<sup>xviii</sup>

Hotbeds for criminal activity, 60 percent of arsons in the city are set in vacant or abandoned buildings. Structurally unsound and extremely dangerous, these fires led to the injury of 27 Buffalo firefighters in one year alone.<sup>2</sup> Nationwide, there is over \$73 million in property damage annually because of more than 12,000 fires in abandoned structures.<sup>xix</sup> Drug use, prostitution, vandalism, and violence run rampant in affected areas. Drug dealers are able to avoid law enforcement by selling from vacant units and these communities become trapped in a cycle of crime and neglect. A study in Austin, Texas found blocks with

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<sup>2</sup> Leading cause of injury for firefighters in Buffalo.

vacant buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of calls for violent behavior as those communities without vacancies.<sup>xx</sup> This also means higher insurance premiums or even policy cancellation for nearby homeowners.<sup>xxi</sup> Those living on these streets, many of them elderly, obviously face extreme dangers here, the choice to stay in such neighborhoods often stems from financial incapability and stubborn resistance to leave a home owned for decades. The citizens have shown that they love Buffalo, want to stay, and are willing to put up with a lot; it is time for the city to step up and *show* these people, not just with words but with action, that Buffalo will rise again.

Due to the devastating conditions, the city put forth a regional action plan, *Queen City in the 21<sup>st</sup> Century*, in 2006, laying out a comprehensive strategy to improve the city as a whole.<sup>xxii</sup> Although the plan does address the vacancy and abandonment challenges, the significance of this issue led Mayor Byron Brown to release his ambitious “5 in 5” *Demolition Plan* in 2007, expanding on ideas put forth in the Comprehensive Plan.<sup>xxiii</sup> The goal of this plan is to bring the 15 percent vacancy rate in Buffalo closer to five percent by demolishing over 5,000 properties in the next five years.<sup>xxiv</sup> The average cost of demolishing a structure is around \$16,000<sup>xxv</sup> and increasing. Executing the plan will require massive funding from local, state, and federal sources. In total, Mayor Brown estimates that his Demolition Strategy will require \$100 million in funding. He hopes to obtain \$60 million from the State, \$15 million federal dollars, \$20 million from the City, and \$5 million from a community-city matching contribution plan to reach the goal.<sup>xxvi</sup> To maximize the impact of every dollar, the city is to target its activities toward low-to-moderate-income neighborhoods or where there are also investments in city schools, as



children are our most vulnerable population.<sup>xxvii</sup> Thirteen areas are targeted for neighborhood preservation and conservation; progress in these areas is to be overseen by the city's Livable Communities Initiative ("LCI").<sup>xxviii</sup> Combining demolition activities with other infrastructure improvements, rehabilitation, and streetscape and beautification projects, the city says is another goal.<sup>xxix</sup>

### **The Demolition Process in Action: "5 in 5", Two Years Later**

The Mayor's "5 in 5" Plan, sounds like an effective and comprehensive method to approach demolition. The number of city demolitions *has* increased since the implementation of 5 in 5. Statistics for the first twenty-four months report 1,907 total demolitions, 1620 (44 percent) were city managed, the rest private.<sup>xxx</sup> In contrast, there were only 3,000 demolitions under the prior twelve-year administration of Mayor Anthony Masiello.<sup>xxxi</sup> However, this alone does not provide a full picture of *5 in 5's* implementation nor indicate its success. Speaking with city employees and community activists closely involved with the process provides "street-level" insight into the execution of demolitions in Buffalo, the issues hampering its success, and its strengths. Due to the enormity of the housing crisis, the road to change is long and, as expected, slow. Nevertheless, with concentrated efforts, progress is more visible and citizens gain confidence in the city's (and government's) desire to help improve their lives.<sup>xxxii</sup> As seen in the past, this encourages citizen participation therefore improving the quality, durability, and success of revitalization efforts. Establishing trust and lines for communication between the government and community fosters a coordinated approach to the many issues facing

Buffalo.<sup>xxxiii</sup> Some of the city's specific revitalization efforts have shown the efficacy of coordination but broader application of these principles is certainly necessary.

There is easily over 10,000 abandoned or vacant properties in the City of Buffalo that need to be addressed in some way; but, how are these houses slated for demo? Generally, three different may paths lead a structure to demolition:

1. Emergency declaration from the fire commissioner
2. Referral from a Slum & Blight Inspector or Mayor's Task Force on Housing, or,
3. Through Housing Court (and/or voluntary demolition)<sup>xxxiv</sup>

The primary purpose of a government is to protect the health and safety of its citizens to the maximum extent possible while respecting the rights of individuals in its population. Thus, a property that is in such poor condition that it poses an immediate threat to the surrounding community, will be removed swiftly while, a property which is in deteriorating condition will go through a number of different administrative procedures before demolition. When a vacant property catches fire (as many do), the Fire Commissioner will declare the structure an imminent threat; bidding for its demolition must begin within 24 hours of the fire and the structure is taken down by the end of the day.<sup>xxxv</sup> The Commissioner can also declare a building that has not caught fire but does pose a danger to the public an emergency.<sup>xxxvi</sup> In this case, the building is not necessarily removed by sundown but, depending on the severity of the threat, will be repaired or demolished "without delay".<sup>xxxvii</sup> Emergency demolitions are much more expensive than planned demolitions and are, unfortunately, common in Buffalo. A Buffalo News article from July 2007 reports eleven emergency demolitions in the first twelve days of the month alone.<sup>xxxviii</sup> Because of the immediacy of the threat, the city often demolishes these

buildings at their own expense and attempt to recover funds from the (private) owner after the fact, in housing court. Collection is extremely difficult; outstanding demolition fees in Buffalo total \$12.8 million and another \$904,000 for boarding up properties. Sixteen different City Departments share responsibility for billing and collections, hampering collection efforts. The city would like to consolidate the tasks under one office but has not done so yet.<sup>xxxix</sup>

Houses may be added to the demolition list through referral from a Slum and Blight Inspector or the Mayor's Task Force on Housing. Slum and Blight is a division of the EDPIS, responsible for inspections on fire damaged, vacant, and other generally unsafe properties. In addition, the Slum and Blight unit carryout judge-ordered inspections to evaluate buildings for possible demolition. Mayor Byron Brown established the 311 Call and Resolution Center, a direct line for Buffalo citizens to use for non-police emergencies, to voice complaints, or get information on city services. In the first five months of 2007, the city received 4,153 complaints, a 44 percent increase in citizen complaints.<sup>xl</sup> Unfortunately, a third of these complaints remained unresolved, largely a result of severe understaffing and dismal oversight of individual building inspector practices.<sup>xli</sup>

In responding to any complaint, the building inspector retains wide discretion in how to address the issue upon observation of the problem property. He or she may simply take no action, directly contact the owner about making the repairs, send a letter of violation, or write it for housing court. Possible code violations are numerous, ranging from chipped paint on a railing to a collapsed garage. If the issue goes to court, the judge will usually try to work with owners to have their property brought up to code, giving them time to remedy the violation before resorting to the imposition of fines. In court, the owner

as well as the inspector has the chance to speak and provide evidence concerning the state of the property. If the property is unsalvageable, the judge will order such demolished. In Buffalo, Housing Court Judge Nowak, schedules all demolition hearings for the afternoon of the last Thursday every month. This includes houses that have been recommended for demo as well as privately owned homes demolished due to an emergency. If the latter, the hearing is held to notify the owner of the cost of the demolition, for which they are now responsible. Kathy Palka-Armstrong, the head of demo collections, is provided an area just outside the courtroom so property owners can establish a payment plan with her immediately after the Court's judgment is issued. Due, in part, to legal obstacles in serving out of town owners and the lack of others financial capabilities, little money is collected. Grouping demolition hearings saves city time and resources, also making the focus of the afternoon demolition. Housing Court in Buffalo handles around 9,000 eviction and 3,000 code violation cases every year, the busiest docket in the entire State.

Buffalo currently has a very loose organization for the prioritization and order of executing their current list of demolitions. Generally, this list is ranked according to the number of complaints and the condition of the structure.<sup>xlii</sup> After being added to the demolition list there is still a three to five year wait until the structure is taken down, due to a lack of funding and the sheer quantity of buildings on the list.<sup>xliii</sup> In some cases demolitions are coordinated as part of a larger community plan but often one house will be demoed well the two demo-ready homes next to it are left. In order for the city to demolish a structure, it must own it (except in the case of emergency demolitions). The City of Buffalo is easily the largest, and worst, property owner in the city.<sup>xliv</sup> The city acquires properties through the annual In Rem Auction, conducted in late October. In 2007, the city

took 1,000 properties and, last year, took 250.<sup>xliv</sup> From these acquisitions, the city forms its demolition list.<sup>xlvi</sup> This fall, nearly half the auctioned properties had been offered at a prior In Rem, but remained unsold; at the conclusion of this auction, 68 percent (of *all* auctioned properties) remained.<sup>xlvi</sup> Properties that do not sell at the annual auction remain in limbo until the following year. An additional year of vacancy significantly increases the likelihood that vandalization and weather damage render the structure unsalvageable. The city does not necessarily want to take abandoned homes and seeks to keep their inventory low.<sup>xlvi</sup> This is due to the \$20,000 yearly cost of maintaining each acquired property; instead of expending this money, the city prefers to go after owners using code violations and Housing Court.<sup>xlvi</sup>

The code requires all demolitions to be performed by a licensed demo contractor, who must apply for and be issued a building permit from the City of Buffalo Department of Economic Development, Permit and Inspection Services (“EDPIS”), before demolition and before they can even begin any salvage work.<sup>i</sup> Currently, the city works with 25 different demolition contractors.<sup>ii</sup> Before any demolition preparation, the contractor must also complete an asbestos survey, and submit an asbestos abatement letter and inspection report from a licensed inspector. Asbestos surveys must be completed for all buildings built before 1974. With the age of Buffalo’s housing stock, the majority of buildings will need the asbestos survey as well as asbestos abatement before demolition. Because of the dangers of asbestos, this process is highly regulated and extremely expensive; between 2005 and 2007, asbestos removal regulations caused a 31 percent increase in the cost of demolition.<sup>iii</sup> Adding to the steep costs of abatement is the cost of disposing of asbestos, specifically friable asbestos. The closest licensed dumping ground that accepts this waste

is in Ohio; making the demolition of buildings containing friable asbestos much higher, further draining the budget for demolitions.<sup>liii</sup>

There are a number of additional requirements for contractors before they begin demolition. In total, there may be as many as 21 departments, and individuals to gain approval from before demolition.<sup>liv</sup> Post demolition procedures require the contractor to receive a number of approvals from a variety of departments as well. The cumbersome administrative structure and myriad of legal requirements impede the demolition process. In the city code, two important requirements order the contractor to grade and seed after demolition and, to leave sidewalks in the same condition as before the demolition.<sup>lv</sup> These aspects are both vital to improving the land on which the vacant structure stood. Unfortunately, these conditions are often ignored despite the code's requirement for pre and post demolition inspection and photographs of the site. Leaving a damaged sidewalk deteriorates the infrastructure of the community instead of improving it, as promised. Repairing damage to the sidewalk thus eventually becomes the responsibility of the city when, if enforced at the time of demolition, would be fixed at the expense of the contractor. The provision is usually adhered to only if the city receives a flood of complaint calls about the conditions. The city has also neglected to ensure the grading and seeding of the plot. Ungraded lots are also bight on the community and often turn into haphazard parking lots and dumping grounds. To truly improve the area, these lots must be returned to productive use.

The original "5 in 5" demolition plan identified some of its biggest priorities as, focusing on areas surrounding public schools first and targeting neighborhoods. There is some progress but it has been slow moving or incomplete in many areas. Of the twelve

communities originally targeted for renewal, the city has developed plans for only two of these. Furthermore, investments have not been coordinated as promised which is necessary for success. With systematic, large-scale, holistic redevelopment plans, backed by local political commitment, follow through, and oversight, the city can combat and reverse the cyclical pattern of blight in Buffalo.

### **Best Practices: Buffalo**

The goal of both Buffalo's Comprehensive and Consolidated Plans are to improve the condition of the city as a whole. Although 5 in 5 focuses on demolition, these activities must coincide with projects that tackle the issue comprehensively and efficiently to improve the community, the city, as a whole, instead of just reducing the number of vacant structures. The two most important components in doing so are communication, across the board, and targeting renewal efforts. This is something the city itself recognized in the 5 in 5 Plan, which includes, at least in terminology, provisions for other infrastructure improvements. Buffalo must be sure to identify and target neighborhoods most conducive to change, a process which the city has, at least in theory, recognized as important and attempted to follow. Demos in these neighborhoods must maximize use of new and existing vacant land and should be coordinated with other efforts at community renewal; lighting improvements, lead paint removal, street improvements, planting, and community planning. The city must also monitor the work of demo contractors to ensure current code regulations are adhered to, especially concerning debris removal, sidewalk damage, and grating and seeding requirements. These methods will maximize the benefit of each dollar

put in to community renewal. Looking to other cities that have faced similar situations helps develop a strategic and holistic approach to demolition.

*Accurate and Up-To-Date Property Information System(s)*

The first step in a strategic approach to demolition must be the collection and maintenance of accurate data on all vacant and dilapidated structures in the city. This is a formidable task but will provide an inventory of vacant land, as well as knowledge of its market value, tax status, zoning, ownership, and physical condition. To increase government accountability and encourage active community involvement, the data must be computerized and publically accessible. Publication of such data also supports collaboration among the many entities that may be involved in the process. Vacancies are currently measured on the citywide scale through Census data, windshield surveys, and information gathered by the U.S. Postal Service on the number of undeliverable addresses.<sup>lvi</sup> Although helpful, none of these sources provide accurate or individual assessments of property conditions and use a range of indicators to identify problem or vacant property. Without an accurate picture of the issues facing the city, an appropriate and truly strategic plan cannot be created. Indianapolis, Cleveland, Baltimore, and Philadelphia are just a few examples of cities that have addressed vacancy issues by first creating a vacancy database.

Collecting and cataloging information on the numerous properties in the city is a formidable task. The first question is, who? In Buffalo, the answer to that is university-city collaboration with the University at Buffalo's (UB) Institute for Local Governance and Regional Growth.<sup>lvii</sup> The University is a large and capable research institution with the manpower and resources to collect and analyze housing data. Specifically, UB's Center for



Computational Research houses a “supercomputing” facility that can collect, manage, analyze, and visualize data on 12-foot-tall screens.<sup>lviii</sup> Most other cities that have been able to compile such a database have done so with the help of local University’s.<sup>lix</sup> In Indianapolis, Ball State students spent six weeks collecting field data with personal digital assistants (PDA) that contained detailed city maps that indicated the location of likely vacancies<sup>3</sup>. The students went out in three groups consisting of two students each and collected five important pieces of information on each vacancy: the number of dwelling units, the status of vacancy<sup>4</sup>, condition rating, site condition, and a digital photograph.<sup>lx</sup> The students identified 7,913 vacant properties. Their data was then used by a group of local experts and community leaders to report and recommend solutions for vacancy, now providing the framework for Indianapolis’ housing and code enforcement policies.<sup>lxi</sup>

In Philadelphia, the University of Pennsylvania created a Neighborhood Information System, a database that centralizes municipal real estate records online to provide all involved public agencies access to this information. The information cataloged here was different then that in Indianapolis but both methods provide vital information for vacant property reclamation. In Philadelphia, information available for each property includes the size of the property, owner’s name, date of purchase, purchase price, tax delinquency status, gas and water account status, and city code violations (if any).<sup>lxii</sup> Any property information currently recorded in Buffalo is not up-to-date, centrally located or easily accessible, contributing to the inefficiency of city departmental efforts.

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<sup>3</sup> “Likely vacancies” identified by: boarding, repair, or demolition orders; property tax delinquencies; mortgage foreclosure and Sheriff sale records; and power company records.

<sup>4</sup> Properties were divided into three categories: Vacant, Vacant for Sale, and Vacant/Boarded.

The benefits of creating a database like one, or both, of these examples are multi-fold. First and foremost, it will allow policy makers, city planners, and other government entities to see the whole picture when addressing and making decisions about combating blight in Buffalo. In order to target funds and resources, we need to identify what communities most benefit from them and what kind of work (rehab, demo, improvement of vacant lots) would be necessary. The city has identified target neighborhoods but has adopted plans for only a couple of these areas. A database would make targeting easier and identify the specific needs of each neighborhood. Without a database of pertinent information on properties, targeting is difficult and, if attempted, is lacking in efficiency and efficacy. On a smaller scale, the database will identify problem areas where the city may want to focus more inspection resources, tackling the problem with code citations and housing court. Also, when properties are brought into the court, the judge would have important information for that property in front of him like liens, foreclosure filings, and a history of prior code violations, for better decisions making.

A database would also serve as an early warning system by identifying and addressing problem properties before decaying to the point of demolition, especially an emergency demolition. The foreclosure crisis provides a good example of how a database would be effective in this way. When discussions of possible foreclosure proceedings begin, some homeowners simply abandon the property, confused and fearful about the foreclosure process. Often, these owners leave months before actual foreclosure or, the property *never* forecloses. In this situation, the structure is disregarded at least until the bank that holds the mortgage to the home finishes foreclosure proceedings and takes title to the property. The bank will then, hopefully, secure the property and have an agent

manage and tend to it until it is resold. Unfortunately, during the period of vacancy, the house is a prime target for vandals and can quickly go from marketable condition to the demolition list. One example is the copper piping that is in many old Buffalo homes. Copper is valuable and can be sold to scrap metal companies for a decent profit; because of this, vandals break into vacant homes and rip out the piping to sell. Ripping out the piping causes the house to flood (if water service has not been terminated) and automatically the structure will have to be demolished. With a property information system like the one in Philadelphia, the city knows when and what properties are in foreclosure proceedings or recently abandoned and mitigating damage to the building. For example, the Mayor's Clean and Seal Crew can board up these buildings to prevent unauthorized entry, weather damage, and animal infestation (even if the vacancy is not a result of foreclosure). Also, appropriate service companies could be contacted to terminate all utility and sewage services.

Many cities that effectively tackle slum and blight begin with a complete inventory of the situation. Urban planners and policy makers need this information if they are going to form a successful plan for revitalization. The accuracy of this data is paramount to continuing and committing to infrastructure improvement. Furthermore, a centralized database is also beneficial for many other effective city revitalization programs like rental registration, vacant property registration, and landbanking. These, and further benefits of cataloging property information will be discussed further below.

### *Coordination and Communication*

One of the key aspects of creating a database like the one described above is its accessibility. Too often, a lack of communication among city departments, officials, planners, and the community prevents coordination and completion of renewal efforts. In a recent Buffalo CitiStat meeting, EDPIS Commissioner, Brian Riley, pointed out the lack of interdisciplinary communication that causes inefficiency. He referenced two large grant projects happening very close to each other (one involving school improvements, the other streets) but were unaware of the other investment and failed to coordinate actions to maximize their impact.<sup>lxiii</sup> The existence of a centralized, computerized database is not, alone, sufficient but it is a basic building block to foster coordination.

A recent attempt to secure a Neighborhood Stabilization Program 2 (NSP2) grant from HUD, illustrates the benefits stemming from coordinated, multi-departmental efforts. To apply for this competitive grant, the city had to submit a plan to stabilize a community (at least 100 houses) that has suffered from foreclosure and abandonment, bringing these properties back into use and removing blight.<sup>lxiv</sup> The city focused on the Martin Luther King Park area near the Buffalo-Cheektowaga line. The Park represents a strong existing neighborhood asset from which to build off, and areas near parks (and historic districts) retain value over time, making this a strategic area to focus investment. In discussing the application for this NSP2 grant, EDPIS Commissioner, Brian Riley, explained the benefits of the interdisciplinary work it required. For the first time, groups working on areas around schools worked with those in charge of area street improvements and police. Normally, this is not common and although projects are happening very close to each other, departments do not discuss the relationship between all these projects. Aware of surrounding grant projects, these departments can coordinate action and be aware of other

investments. In assessing the MLK Park area, the city looked at city properties in the area as well as properties Slum and Blight inspectors determined were unable to be rehabbed and needed demo. Coordinating demos and rehabs in the area, there were 135 homes targeted for rehab and 55 homes targeted for demo. Interdepartmental communication was vital to forming a coordinated, comprehensive plan to stop sliding in the area. Another benefit of this approach was beginning in a strategic area, one near a park and school, with high market demand in surrounding areas; areas like this will maximize the benefit of each dollar put into infrastructure improvement. Applying this methodology on a city wide scale would greatly increase the results of revitalization efforts.

With or without a database, departments must be coordinating renewal efforts. A lack of coordination in Buffalo has caused inefficient use of funding. The advent of Buffalo CitiStat is a step in the right direction but still lacks, especially in respect to community participation. The use of community liaisons in Housing Court is a great example of the city working with, and capitalizing on the expert knowledge of citizens in respect to their community. An underutilized asset in city revitalization is the local community group; these citizens have the commitment to change and street-level understanding that the administration has not.

Although the government of Buffalo espouses a strategic approach to demolition, many of these plans are forgotten, abandoned, or misguided. A strategic approach must consider the affect of any program on the city as whole and run in line with the short and long-term goals for the Queen City and target action in light of these goals. This is not accomplished by acquiring as little properties as possible, to demolish only the “worst of the worst”<sup>lxv</sup>. With a computerized property information system, this task is made easier

but even without we must compile and assimilate the information most pertinent to successful revitalization. Identify neighborhood assets like historic properties, colleges, waterfront, and parks and the proximity to jobs and other businesses, and surrounding conditions and investments, similar to the method undertaken for the NSP2 grant application.<sup>lxvi</sup> Additionally, consider information on local community groups, block clubs, and non-profits and the level and focus of their community efforts. Bringing all this information together, we can identify what plans are most feasible and compare their advantages to develop our short and long term goals.

By targeting specific areas, we can coordinate all demos in that area at once, and include further infrastructure improvements and neighborhood investments. This has the ability to effect communities as a whole instead of just individual properties, hopefully extending to surrounding blocks. Area residents, encouraged by the spur of and commitment to investment in their community, are more likely to contribute to revival goals. In addition, community philanthropists have privately admitted their resistance to submit to the city's request for donation stems from the lack of a citywide plan, or any real plan at all.<sup>lxvii</sup>

### *Legal and Administrative Changes*

Regardless of the programs enacted and initiatives undertaken, success depends upon the staff and leadership responsible. Buffalo's government is plagued by a lack of funding and resources across the board. As revenues decline and budgets shrink, the city departments are increasingly understaffed and overwhelmed. City government inadequacies are often blamed on this fact but, the reality is that slight changes in administrative procedure would increase success and result in greater economic resources.

Buffalo must first look to the manner in which they handle the thousands of properties they own to make them an asset instead of a compounding financial drain. In addition, holding contractors responsible for their commitments by enforcing current codes prevents the city from incurring a number of unnecessary costs. Increasing the accountability of city officials will require leaders to put their personal political bias aside and commit to the city of Buffalo and its citizens, whom they were elected to champion the interests of. There exists a myriad of possible urban renewal programs but whichever chosen, for success there *must* be a commitment by the administration to see these plans through.

The City of Buffalo is the largest landowner in the city and is, inarguably, the worst landlord in the city. The city views its ownership as negative and now works to acquire as few properties possible to meet their large demo and minimal rehab goals annually. However, many cities have found success in instead acquiring as many properties as possible, establishing an effective land-banking program. In such a program, the local government acquires numerous properties; in the hands of the city, community interests dictate the disposition of property, not the highest bidder. This gives the city much greater control over renewal projects and allows the transfer of problem properties outside of the once annual In Rem auction. Legislation was enacted at the state level to allow for creation a land bank in Buffalo but progress halted as leaders put their political and pride problems ahead of their appointed duties. These leaders, specifically Mayor Brown and Assemblymen Sam Hoyt, need to put these aside, sit down and hash out a plan for land banking, it is their job and it is what we have elected them to do. Currently, the city must make plans (rehab, demo, green space, etc.) for each and every property currently owned and make efforts to market sellable properties. Rochester has increased stress on the

rehabilitation of properties and annually fixes and resells fifty to sixty homes to first-time homebuyers. As of 2008, Buffalo rehabbed an average of seven homes a year.<sup>lxviii</sup>

Current City Code requires demo contractors to maintain the integrity of the current structure and to leave plots graded and seeded. They don't. A city official attributes this to monetary restraints but the fact of the matter is, a barren plot is blight and their existence does nothing to improve the value of that land. Furthermore, the city eventually incurs the loss of associated revenue and, if improved, it is often at the cost of the city. Conversely, how does holding demo contractors to their contracts involve any great expenditure of city resources? From a cost-benefit perspective, it appears the best action is to enforce the current requirements.

Demolition is one of the city's biggest sources of garbage. This is a point that has been largely ignored, to the detriment of our planet, health, and the long-run sustainability of our development efforts. A recent case study finds selective deconstruction of each building with local material recovery to be an effective solution for sustainable demo waste management. To lessen the negative impact of demo waste, the city should mandate assessment for recycling and deconstruction before demolition. A Chicago ordinance requires contractors recycle a minimum of 50 percent of the materials; the requirement began at only 25 percent but increased with the programs success. Buffalo ReUse is an organization in the city that collects and resells deconstructed materials for reuse. In addition to helping the environment, it also provides used building materials for rehab or general maintenance at reasonable rates for the many lower income homeowners trying to maintain the integrity of their own home. Further insight into the incorporation of



recycling and reuse in the demo process can be found in Tara Stahl's paper, *Integrating Deconstruction and Recycling Into the Demolition Process in Buffalo, NY*.<sup>lxxix</sup>

One new policy to enact is a vacant building registry program, requiring owners to pay a yearly fee and implement a plan to bring the home back into use. Programs in Albany and Binghamton provide great models from which Buffalo can develop this practice. Buildings that are vacant, unsecured, and unsafe and/or have numerous code violations for at least 30 days must register with the appropriate city department.<sup>lxx</sup> Albany charges a \$250 registration fee for the first year of vacancy, increasing the charge every year the property remains vacant: \$400 the second and third year, \$1,500 the fourth, and \$2,000 a year after five or more years of vacancy.<sup>lxxi</sup> A Vacant Building Committee was enacted five years after the program to increase enforcement efforts. The committee has representatives from the Mayor's office, fire department, code department, community development agencies, private firms, and utility companies. They then completed a street-by-street analysis of the entire City to identify vacancies and perform a full exterior inspection, led by the Fire Department; followed by re-inspection and prosecution if the property remains unregistered.<sup>lxxii</sup> After the original inspection, the building owner is notified as to what actions must be undertaken. Additionally, utility companies terminate service to mitigate damage.<sup>lxxiii</sup> To increase public awareness of the threats posed by vacant homes, code enforcement and fire department personnel regularly attend neighborhood association meeting to listen to concerns and increase their ability to respond.<sup>lxxiv</sup> Over 90 communities have or are considering enacting local vacant property registration ordinances.<sup>lxxv</sup>

Ideally, the city should structure vacant building registration fees so that they cover the cost the city incurs by monitoring and maintaining the property.<sup>lxxvi</sup> An effective vacancy property program outlines clear standards for security and maintenance of vacant property and require local point of contact so we can locate owners to enforce code violations.<sup>lxxvii</sup> Establishing a local point of contact also increases the capability of Housing Court to provide adequate legal notice to out of town landlords; the limited jurisdiction of the court has prevented their ability to hold these owners accountable for the dismal properties they own. Thus, the program will be especially beneficial in respect to mortgage companies and other large commercial owners that often neglect their responsibilities, unconcerned about the state of Buffalo, NY. These large national and international business could also be required to identify local points of contact through changes in state law, making registration a basic requirement for “doing business” in the state.<sup>lxxviii</sup> Vacant property registration in Buffalo leads not only to increased revenue but also gives the owner incentives to improve property and remove blight.

### **Conclusion**

The impact of vacancy and abandonment is devastating. It fosters crime, threatens the safety of the community and directly correlates with our extreme poverty rates. There is no doubt that fixing the problem will be an expensive and lengthy endeavor and the city will be constrained by limited resources and legal hurdles. The 5 in 5 plan recognizes this and its implementation has led to a great increase in demolitions. However, these demos have not maximized the use of our resources or comprehensively addressed blight as promised; demolitions, alone, do not remove blight or fix the problem. The city must

recognize and capitalize on our assets and give stronger consideration to what structures can be saved or reused or how the property can best be brought back into public use. Although these projects require great economic expenditure, a cost-benefit analysis quickly reveals the strength of holistic revitalization techniques over a demo dominant approach. Improving neighborhoods comprehensively through strategic investment: increases property values, and thus city tax revenues; reduces crime and arson, affording greater protection to our brave and dedicated police and fire department personnel; and encourages private investment, spurring growth. This all benefits the city as a whole and makes the most of the few dollars we do have.

Buffalo's approach to vacant properties has improved and smarter decisions are being made but changes are necessary. Consolidating responsibilities and encouraging communication and knowledge sharing across departments should ease the administrative process. A revised approach begins with cataloging and computerizing property information. The system must at least identify vacancies but would be more effective if specialized to individual properties. This allows us to better track and prevent problem properties from falling into disrepair and allow us to truly gain insight into Buffalo's urban decay. The University has expressed interest in assisting the city with this and we must capitalize on this asset. Ideally, a strategic approach to demolition, targets transitional neighborhoods with coordinated investment and will revive the city block-by-block. Unfortunately, there is a lack of commitment by the local government, who let politics get in the way, failing to follow through with decisions made in the best interests of the community.

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- <sup>i</sup> City of Buffalo, Office of Strategic Planning, *Queen City in the 21<sup>st</sup> Century: Buffalo's Comprehensive Plan*. Dec. 2004, Adopted by Buffalo Common Council, 8 (2006).
- <sup>ii</sup> *Id.*
- <sup>iii</sup> City of Buffalo Department of Administration, Finance, Policy and Urban Affairs, *Mayor Brown's "5 in 5" Demolition Plan*, 1 Moving Buffalo Forward: Policy Briefs from the Brown Administration 1, Aug. 2007. ("5 in 5").
- <sup>iv</sup> *Id.*
- <sup>v</sup> *Id.*
- <sup>vi</sup> *Id.*
- <sup>vii</sup> Buffalo, N.Y., Code Chap. 113 (2008).
- <sup>viii</sup> Meghan Stromberg, *Tough Love in Buffalo*, Planning Magazine, Oct. 2005; John Kromer, *Vacant-Property Policy and Practice: Baltimore and Philadelphia*, Center on Urban and Metropolitan Policy, The Brookings Institution (Oct. 2002).
- <sup>ix</sup> Mark Goldman, *City on the Edge* 150 (2007).
- <sup>x</sup> *Id.* at 361.
- <sup>xi</sup> *Blueprint Buffalo: Regional Strategies and Local Tools for Reclaiming Vacant Properties in the City and Suburbs of Buffalo- Policy Brief*, National Vacant Properties Campaign, 4 Nov. 2006.
- <sup>xii</sup> G. Scott Thomas, *Buffalo Named Third Poorest City in U.S.*, Business First of Buffalo, Sept. 29, 2009.
- <sup>xiii</sup> Ken Belson, *Vacant Houses, Scourge of a Beaten-Down Buffalo*, N.Y. Times, Sept. 13, 2007.
- <sup>xiv</sup> "5 in 5"
- <sup>xv</sup> The United States Conference of Mayors, *Combating Problems of Vacant and Abandoned Properties: Best Practices in 27 Cities* at 10 (June, 2006). ("Best Practices")
- <sup>xvi</sup> Phil Fairbanks, *Special Report: Abandoned Homes, Buffalo wants to Tear Down its Abandoned Homes, Second of Three Parts*, Buffalo News, July 08, 2008.
- <sup>xvii</sup> Joseph Schilling, *Code Enforcement and Community Stabilization: The Forgotten First Responders to Vacant and Foreclosed Homes*, 2 Alb. Gov't L. Rev. 101, 111 (2009).
- <sup>xviii</sup> *Id.*
- <sup>xix</sup> *Id.* at 110.
- <sup>xx</sup> *Id.*
- <sup>xxi</sup> *Id.* at 111.
- <sup>xxii</sup> *Queen City in the 21<sup>st</sup> Century*.
- <sup>xxiii</sup> "5 in 5".
- <sup>xxiv</sup> *Id.*
- <sup>xxv</sup> *Id.*
- <sup>xxvi</sup> *Id.*
- <sup>xxvii</sup> City of Buffalo, Office of Strategic Planning, *2008-2013 Consolidated Plan* at 8 (2008).
- <sup>xxviii</sup> *2008-2013 Consolidated Plan* at 8.
- <sup>xxix</sup> City of Buffalo, Office of Strategic Planning, *U.S. Dep't of Housing & Urban Development First Year Program Action Plan* at 52 (2008).
- <sup>xxx</sup> CitiStat, Department of Economic Development, Permit and Inspection Services, CitiStat Meeting (Sept. 25, 2009). [http://www.city-buffalo.com/Home/Government\\_TV/Strategic-Planning-CitiStat](http://www.city-buffalo.com/Home/Government_TV/Strategic-Planning-CitiStat)
- <sup>xxxi</sup> Stromberg at 8.

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- xxxiii Brian Meyer, *Demolition and Rebuilding Blitz begins on East Side*, Buffalo News, July 09, 2008.
- xxxiiii Meghan Stromberg, *Tough Love in Buffalo*, Planning Magazine, Oct. 2005.
- xxxiv City of Buffalo, Department of Economic Development, Permit and Inspection Services, *Demolition of Properties Razed Through the Department of Permit and Inspection Services*, [http://www.city-buffalo.com/Home/City\\_Departments/EDPIS/Inspections/Demolition/DemolitionPropertiesRazedThroughEDPIS](http://www.city-buffalo.com/Home/City_Departments/EDPIS/Inspections/Demolition/DemolitionPropertiesRazedThroughEDPIS)
- xxxv *Id.*
- xxxvi Buffalo, N.Y., Code § 113 (2008).
- xxxvii Buffalo, N.Y., Code § 113-3(A).
- xxxviii Brian Meyer, *Housing Violation Complaints Soar as Officials Struggle to Keep Up*, The Buffalo News (July 16, 2007).
- xxxix Buffalo CitiStat Buffalo, *Ways Sought to Collect Unpaid Fees* (date unknown) [http://www.ci.buffalo.ny.us/Home/Mayor/Leadership/CitiStat Buffalo/CitiStat Buffalo in the News/WaysSoughtToCollectUnpaidFees](http://www.ci.buffalo.ny.us/Home/Mayor/Leadership/CitiStat%20Buffalo/CitiStat%20Buffalo%20in%20the%20News/WaysSoughtToCollectUnpaidFees)
- xl Brian Meyer, *Housing Violation Complaints Soar as Officials Struggle to Keep Up*, Buffalo News (July 16, 2007).
- xli *Id.*
- xlii Interview with Kathy Palka-Armstrong, Demo Collections, City of Buffalo, Office of Economic Development and Strategic Planning, in Buffalo, N.Y. (Oct. 14, 2009).
- xliii *Id.*
- xliv Phil Fairbanks, *Neglected Homes and Vacant Lots Leave Buffalo Residents Angry*, The Buffalo News, July 07, 2008.
- xlv Buffalo CitStat, Office of Strategic Planning, CitiStat Meeting (July 29, 2009). [http://www.city-buffalo.com/Home/Government\\_TV/Strategic-Planning-CitiStat](http://www.city-buffalo.com/Home/Government_TV/Strategic-Planning-CitiStat)
- xlvi *Id.*
- xlvii Brian Meyer, *826 Parcels Draw Bids at City Foreclosure Auction*, The Buffalo News (Oct. 31, 2009).
- xlviii Strategic Planning CitiStat Meeting (July 29, 2009).
- xlxi *Id.*
- l Buffalo City Code § 103-38
- li EDPIS CitiStat Meeting (Sept. 25, 2009).
- lii Ken Belson, *Vacant Houses, Scourge of a Beaten-Down Buffalo*, N.Y. Times, Sept. 13, 2007.
- liii Interview with Katy Palka-Armstrong.
- liv Buffalo City Code at § 103
- lv Buffalo City Code at § 103-38(C)(4).
- lvi Schilling at 108.
- lvii *Blueprint Buffalo* at 25.
- lviii Stromberg at 11.
- lix *Best Practices* at 26.
- lx *Id.*
- lxi *Id.*
- lxii Kromer at 10; Schilling at 114-115.
- lxiii Strategic Planning CitiStat Meeting (July 29, 2009).

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lxiv United States Department of Housing and Urban Development, Office of Community Planning and Development, *Neighborhood Stabilization Program Grants*, <http://nhl.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/>

lxv Strategic Planning CitiStat Meeting (July 29, 2009).

lxvi Eric Friedman, *Vacant Properties in Baltimore: Strategies for Reuse*, Submission for the Abell Foundation Award in Urban Policy (Jan. 18, 2003).

lxvii Fairbanks, (July 8, 2008).

lxviii *Id.*

lxix Stahl.

lxx Binghamton, N.Y. Vacant Building Registration Ordinance §265-6

lxxi Albany Vacant Building Registry Ordinance No. 51.82.98, Article XIA § 133-78 (enacted 2000).

lxxii *Best Practices* at 4.

lxxiii *Id.*

lxxiv *Id.*

lxxv Schilling at 128.

lxxvi *Id.* at 135.

lxxvii *Id.*

lxxviii *Id.* at 153.